UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,642	02/06/2004	Glen Sgambati	026514-000100US	7640

20350   7590   10/16/2009
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER
VIZVARY, GERALD C

ART UNIT	PAPER NUMBER
3684	

MAIL DATE	DELIVERY MODE
10/16/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/773,642	SGAMBATI ET AL.
Office Action Summary	Examiner	Art Unit	
	GERALD C. VIZVARY	3684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 July 2009*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-13 and 17* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-4, 6-13 & 17* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   In the amendment filed 7/30/2009, the following has occurred: claims 1-4, 6-13

have been amended. Now, claims 1-4, 6-13 & 17 are presented for examination.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 USC § 112 2nd paragraph. The terms "associated with",

participant institution", "regular basis", "matches", "corresponding to", "does not match"

& "indicating" in claim 1 are unclear and render the claim indefinite. The terms are not

defined by the claim, and the specification does not provide a standard for ascertaining

the meaning and one of ordinary skill in the art would not be reasonably apprised of the

scope of the invention or if at the time the application was filed, had possession of the

claimed invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it

fails to point out what is included or excluded by the claim language. This claim is an

omnibus type claim. The recitation "the non-participant institutions are entities that are

not obligated to provide account-owner data to the account-owner verification database

and that are unable to access the account-owner verification database" does not serve

to limit the institutions that are considered "non participant" since virtually any type of institution can be included in this description.

Claim 1 is rejected under 35 USC § 112 2nd paragraph. The recitation " or the response supplies information indicating that information is unavailable for a given data element if there is no account-owner data stored in the data element field corresponding to the entered account number;" in claim 1 is unclear and renders the claim indefinite. The specification does not provide a standard for ascertaining the meaning and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed invention.

Claim 2 is rejected under 35 USC § 112 2nd paragraph. The terms "periodically" and "recently" in claim 2, are unclear and render the claim indefinite. The terms are not defined by the claim, and the specification does not provide a standard for ascertaining the meaning and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed invention.

Claim 3 is rejected under 35 USC § 112 2nd paragraph. The terms "periodically" & "recently" in claim 3 are unclear and render the claim indefinite. The terms are not defined by the claim, and the specification does not provide a standard for ascertaining the meaning and one of ordinary skill in the art would not be reasonably apprised of the

scope of the invention or if at the time the application was filed, had possession of the claimed invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim. The recitation "participant and non-participant institutions" describes all conceivable institutions and does not establish metes and bounds for the claim language.

Claim 4 is rejected under 35 USC § 112 2nd paragraph. The term "associated data elements" in claim 4 is unclear and renders the claim indefinite. The term is not defined by the claim, and the specification does not provide a standard for ascertaining the meaning and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed invention.

Claim 7 is rejected under 35 USC § 112 2nd paragraph. The terms "regular basis" & "does not match" in claim 7 are unclear and render the claim indefinite. The terms are not defined by the claim, and the specification does not provide a standard for ascertaining the meaning and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed invention.

Claim 7 is rejected under 35 USC § 112 2nd paragraph. The recitation "wherein the response is negative for a given data element if the account-owner data stored in the data element field corresponding to the entered account number does not match the entered data element, or the response supplies information indicating that information is unavailable for a given data element if there is no account-owner data stored in the data element field corresponding to the entered account number." in claim 7 is unclear and renders the claim indefinite. The specification does not provide a standard for ascertaining the meaning and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim. The recitations "participant data elements and non-participant data elements" & "the non-participant institutions are entities not obligated to provide account-owner data to the database" fail to establish metes and bounds for the claim language.

Claim 8 is rejected under 35 USC § 112 2nd paragraph. The terms "periodically" & "recently" in claim 8 are unclear and render the claim indefinite. The terms are not defined by the claim, and the specification does not provide a standard for ascertaining

the meaning and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed invention.

Claims 11 & 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim. The recitations "the non-participant data elements are extracted from check images" & "the non-participant data elements are extracted from check printing data" fail to establish metes and bounds for the claim language. Non-participant data elements extracted from check images and check printing data could include anything that is recorded on a check which is not concerned with participant data.

Claim 13 is rejected under 35 USC § 112 2nd paragraph. The terms "corresponding to", "according to", "associated with", "maintained at", "on a regular basis" & "indicating" in claim 13 are unclear and render the claim indefinite. The terms are not defined by the claim, and the specification does not provide a standard for ascertaining the meaning and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed invention.

Claim 13 is rejected under 35 USC § 112 2nd paragraph. The recitation "wherein the response is negative for a given data element if the account-owner data stored in the data element field corresponding to the entered account number does not match the entered data element, or the response supplies information indicating that information is unavailable for a given data element if there is no account-owner data stored in the data element field corresponding to the entered account number." in claim 13 is unclear and renders the claim indefinite. The specification does not provide a standard for ascertaining the meaning and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed invention.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim. The recitations "participant institutions and non-participant institutions" & "the non-participant institutions are entities not obligated to provide account-owner data to the database" fail to establish metes and bounds for the claim language.

Claim 17 is rejected under 35 USC § 112 2nd paragraph. The term "corresponding to" in claim 17, is unclear and render the claim indefinite. The term is not defined by the claim, and the specification does not provide a standard for ascertaining the meaning and one

Claim 13 is rejected under 35 USC § 112 2nd paragraph. The recitation "wherein the response is negative for a given data element if the account-owner data stored in the data element field corresponding to the entered account number does not match the entered data element, or the response supplies information indicating that information is unavailable for a given data element if there is no account-owner data stored in the data element field corresponding to the entered account number." in claim 13 is unclear and renders the claim indefinite. The specification does not provide a standard for ascertaining the meaning and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed invention.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim. The recitations "participant institutions and non-participant institutions" & "the non-participant institutions are entities not obligated to provide account-owner data to the database" fail to establish metes and bounds for the claim language.

Claim 17 is rejected under 35 USC § 112 2nd paragraph. The term "corresponding to" in claim 17, is unclear and render the claim indefinite. The term is not defined by the claim, and the specification does not provide a standard for ascertaining the meaning and one

of ordinary skill in the art would not be reasonably apprised of the scope of the invention

or if at the time the application was filed, had possession of the claimed invention.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-4, 6-13 & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Stewart 2002/0120846 A1 in view of Srinivasa US 2003/0115189 A1.

As per claim 1 (Currently amended) Stewart 2002/0120846 A1 discloses a method of

populating and using an electronic account-owner verification database comprising:

(b) receiving data elements from a plurality of check images corresponding to a plurality

of checks, wherein:

the plurality of check images include account-owner data elements associated with

accounts maintained at non-participant institutions, each non-participant data element

also corresponds to a data element field in the database, and

the non-participant institutions are entities that are not obligated to provide account-

owner data to the account-owner verification database and that are unable to access

the account-owner verification database, ("As is known in the art, the SCAN server 160

includes a database of check information that includes the history of check activity for

individuals, and is used to make determinations as to whether a personal check should be accepted from a person paying by check. The check information in the database includes information about closed accounts, stop payments, uncollected funds, payees that are deceased, frozen accounts, and the identity of high-risk customers, i.e., customers that have a high likelihood of writing checks that may be returned due to insufficient funds. The SCAN server 160 includes a SCAN online module 161 (real-time risk management system that utilizes both the MICR information from the check and the customer's driver's license number), a SCAN reporter 162 (a module that creates reports in response to queries), and a SCAN host 163 (the base software and the database of check information). The SCAN server 160 may execute check authorization filters if an authorization service request is received." Stewart 2002/0120846 A1 ¶ [0056])

~~(b) collecting non-participant data elements from one or more non-participant institutions, the non-participant data elements associated with one or more non-participant accounts in the non-participant institutions, and each non-participant data element also corresponding to one of the data element fields in the database, wherein the non-participant institutions are entities not obligated to provide account information on the regular basis, and wherein the non-participant institutions comprise at least one of a check imaging device or database, check printers, electronic bill payment companies, Internet account opening systems and Internet banking systems;~~

(c) populating the data element fields of the electronic account-owner verification database with the account-owner data elements associated with accounts maintained at the ~~collected~~ participant institutions and the non-participant institutions ~~data elements~~;

(d) entering into a computer system having the electronic account-owner verification database, for an account to be verified:

(i) an account number; and

(f) ~~receiving~~ transmitting by the computer system a response from the account- owner verification database for each of the entered data elements, wherein the response ~~corresponding to each entered data element~~ is positive for a given data element if the account-owner data stored in the data element field corresponding to the entered account number matches the entered data element, the response is negative for a given data element if the account-owner data stored in the data element field corresponding to the entered account number does not match the entered data element, or the response supplies information indicating that information is unavailable for a given data element if there is no account-owner data stored in the data element field corresponding to the entered account number ("The invention provides an identity verification system for verifying the identity of a consumer involved in a debit transaction. The identity verification system may include an identity verification module including a fraud indicator search module and a consumer identity validation search module. The identity verification module may be configured to receive a request to verify the identity of a consumer involved in a debit transaction, receive at least one consumer identification debit data element, generate an identity verification score, compare the identity

verification score against a threshold value, and generate a response message to the request to verify the identity of a consumer involved in a debit transaction. The response message provides a confirmation or invalidation of the identity of the consumer." Stewart 2002/0120846 A1 ¶ [0041]); ~~respectively;~~ and

(g) generating a report of the response. (The consumer's bank 42 records the payment on the consumer's bank statement and sends the bank statement to the consumer." Stewart 2002/0120846 A1 ¶ [0041])

Stewart 2002/0120846 A1 fails to explicitly teach (ii) at least one data element corresponding to the entered account number; (e) querying <u>by the computer system</u> the account-owner verification database including which includes account-owner data <u>associated with</u> from accounts <u>maintained at</u> both the participant institutions and the non-participant institutions;

~~collecting~~ <u>receiving account-owner data elements associated with accounts maintained</u> <u>at at least one participant institution and at least one non-participant institution,</u> ~~participant data elements from one or more participant institutions, the participant data~~ ~~elements associated with one or more participant accounts in the participant institutions,~~ ~~and~~ each ~~participant~~ <u>account-owner</u> data element also corresponding to a data element field in the database, wherein the participant institutions are entities ~~capable of providing~~ that <u>provide</u> ~~accurate financial~~ account<u>-owner</u> data associated with <u>accounts maintained</u> <u>at both</u> the participant <u>institutions and non-participant institutions to the database</u> ~~accounts~~ on a regular basis Srinivasa US 2003/0115189 A1 teaches "Member and nonmember pages project to points outside and inside the sphere, respectively. While

this method works and has the virtue of simplicity, it may not take into account the

shape of the member probability distribution in the event subspace. More accurate page

classification can be obtained by tailoring the shape of the decision surface to the

probability distribution of the member class. A number of statistical classification

algorithms can be used to create such nonlinear decision surfaces. The algorithms can

"learn" the surfaces from a training set which contains examples of both members and

nonmembers of the category, e.g. event class." Srinivasa US 2003/0115189 A1 ¶

[0053])

It would have been obvious to one of ordinary skill in the art at the time of the invention

to include member and nonmember categories as taught by Srinivasa US

2003/0115189 A1 in the system of Stewart 2002/0120846 A1, for the purpose of

completeness of analysis, since the claimed invention is merely a combination of old

elements, and in the combination each element merely would have performed the same

function as it did separately, and one of ordinary skill in the art would have recognized

that the results of the combination were predictable.

As per claim 2 (Currently amended) Stewart 2002/0120846 A1 in view of Srinivasa US

2003/0115189 A1 teaches a method of claim 1.

 Stewart 2002/0120846 A1 further discloses the step of: ~~(d)~~ automatically and

periodically updating the data element fields in the database with ~~participant~~ account-

owner data elements from recently opened or recently maintained accounts in the

participant institutions. ("FIG. 11 illustrates the operation of the SCAN host 163. The

SCAN host 163 is responsible for accepting, managing, and delivering check contribution data to and from external and internal sources. The SCAN host 163 also provides continuous negative file update information to the SCAN online module 161. The SCAN host 163 is primarily a batch system." Stewart 2002/0120846 A1 ¶ [0085])

As per claim 3 (Currently amended) Stewart 2002/0120846 A1 in view of Srinivasa US 2003/0115189 A1 teaches a method of claim 1.

Stewart 2002/0120846 A1 further discloses organizing the ~~participant and non participant~~ account-owner data elements associated with accounts maintained at the participant institutions and non-participant institutions according to account number. ("The page 46 includes a virtual check 47 having dialog boxes 48 and 49 for entry of a printed parsed MICR number. This number is broken down into two components: a routing and transit number ("RTN") or financial institution specific number, and a checking account number." Stewart 2002/0120846 A1 ¶ [0045])

As per claim 4 (Currently amended) Stewart 2002/0120846 A1 in view of Srinivasa US 2003/0115189 A1 teaches a method of claim 3.

Stewart 2002/0120846 A1 further discloses organizing the account numbers and their associated ~~participant and non participant~~ account-owner data elements according to routing transit number. ("The page 46 includes a virtual check 47 having dialog boxes 48 and 49 for entry of a printed parsed MICR number. This number is broken down into

two components: a routing and transit number ("RTN") or financial institution specific number, and a checking account number." Stewart 2002/0120846 A1 ¶ [0045])

As per claim 6 (Currently amended) Stewart 2002/0120846 A1 in view of Srinivasa US 2003/0115189 A1 teaches a method of claim 1.

Stewart 2002/0120846 A1 further discloses extracting account-owner data elements from check printing data. ("The page 46 includes a virtual check 47 having dialog boxes 48 and 49 for entry of a printed parsed MICR number. This number is broken down into two components: a routing and transit number ("RTN") or financial institution specific number, and a checking account number." Stewart 2002/0120846 A1 ¶ [0045])

As per claim 7 (Currently amended) Stewart 2002/0120846 A1 discloses a computer system having account-owner verification database comprising:

a computer usable media;

wherein the computer system is programmed to process a query to the database and transmit a response, wherein the response is negative for a given data element if the account-owner data stored in the data element field corresponding to the entered account number does not match the entered data element, or the response supplies information indicating that information is unavailable for a given data element if there is no account-owner data stored in the data element field corresponding to the entered account number. ("The invention provides an identity verification system for verifying the identity of a consumer involved in a debit transaction. The identity verification system

may include an identity verification module including a fraud indicator search module and a consumer identity validation search module. The identity verification module may be configured to receive a request to verify the identity of a consumer involved in a debit transaction, receive at least one consumer identification debit data element, generate an identity verification score, compare the identity verification score against a threshold value, and generate a response message to the request to verify the identity of a consumer involved in a debit transaction. The response message provides a confirmation or invalidation of the identity of the consumer." Stewart 2002/0120846 A1 ¶ [0041])

Stewart 2002/0120846 A1 fails to explicitly teach a plurality of data element fields populated with participant data elements and non-participant data elements, wherein the participant data elements are collected from one or more participant institutions and the participant data elements are associated with one or more participant accounts in the participant institutions, wherein the participant institutions are entities ~~capable of providing~~ that provide ~~accurate financial~~ account-<u>owner</u> data <u>to the database</u> on a regular basis; and

the non-participant data elements are collected from <u>a plurality of check images</u> <u>corresponding to a plurality of checks presented to the one or more participant</u> <u>institutions</u> ~~one or more non-participant institutions~~ and the non-participant data elements are associated with one or more non-participant accounts in the non-participant institutions, wherein the non-participant institutions are entities not obligated to provide account-<u>owner data to the database</u> ~~information on the regular basis~~

Srinivasa US 2003/0115189 A1 teaches "Member and nonmember pages project to points outside and inside the sphere, respectively. While this method works and has the virtue of simplicity, it may not take into account the shape of the member probability distribution in the event subspace. More accurate page classification can be obtained by tailoring the shape of the decision surface to the probability distribution of the member class. A number of statistical classification algorithms can be used to create such nonlinear decision surfaces. The algorithms can "learn" the surfaces from a training set which contains examples of both members and nonmembers of the category, e.g. event class." Srinivasa US 2003/0115189 A1 ¶ [0053])

It would have been obvious to one of ordinary skill in the art at the time of the invention to include member and nonmember categories as taught by Srinivasa US 2003/0115189 A1 in the system of Stewart 2002/0120846 A1, for the purpose of completeness of analysis, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 8 (Currently amended) Stewart 2002/0120846 A1 in view of Srinivasa US 2003/0115189 A1 teaches an account-owner verification database of claim 7.

Stewart 2002/0120846 A1 further discloses that the data element fields are automatically and periodically updated with participant account-owner data elements from recently opened or recently maintained accounts in the participant institutions.

("FIG. 11 illustrates the operation of the SCAN host 163. The SCAN host 163 is responsible for accepting, managing, and delivering check contribution data to and from external and internal sources. The SCAN host 163 also provides continuous negative file update information to the SCAN online module 161. The SCAN host 163 is primarily a batch system." Stewart 2002/0120846 A1 ¶ [0085])

As per claim 9 (Currently amended) Stewart 2002/0120846 A1 in view of Srinivasa US 2003/0115189 A1 teaches an account-owner verification database of claim 7.

Stewart 2002/0120846 A1 further discloses that the participant and non-participant data elements are organized in the data element fields according to account number. ("The page 46 includes a virtual check 47 having dialog boxes 48 and 49 for entry of a printed parsed MICR number. This number is broken down into two components: a routing and transit number ("RTN") or financial institution specific number, and a checking account number." Stewart 2002/0120846 A1 ¶ [0045])

As per claim 10 (Currently amended) Stewart 2002/0120846 A1 in view of Srinivasa US 2003/0115189 A1 teaches an account-owner verification database of claim 9.

Stewart 2002/0120846 A1 further discloses that the account numbers and their associated participant and non-participant data elements are organized in the data element fields according to routing transit number. ("The page 46 includes a virtual check 47 having dialog boxes 48 and 49 for entry of a printed parsed MICR number. This number is broken down into two components: a routing and transit number ("RTN")

or financial institution specific number, and a checking account number." Stewart 2002/0120846 A1 ¶ [0045])

As per claim 11 (Currently amended) Stewart 2002/0120846 A1 in view of Srinivasa US 2003/0115189 A1 teaches an account-owner verification database of claim 7.

Stewart 2002/0120846 A1 further discloses that the non-participant data elements are extracted from check images. ("The raw MICR format includes the data gathered by physically scanning an image of a check." Stewart 2002/0120846 A1 ¶ [0068])

As per claim 12 (Currently amended) Stewart 2002/0120846 A1 in view of Srinivasa US 2003/0115189 A1 teaches an account-owner verification database of claim 7.

Stewart 2002/0120846 A1 further discloses that the non-participant data elements are extracted from check printing data. ("The page 46 includes a virtual check 47 having dialog boxes 48 and 49 for entry of a printed parsed MICR number. This number is broken down into two components: a routing and transit number ("RTN") or financial institution specific number, and a checking account number." Stewart 2002/0120846 A1 ¶ [0045])

As per claim 13 (Currently amended) Stewart 2002/0120846 A1 discloses a method of verifying information associated with transacting on an account, the method comprising:

(d) ~~receiving~~ <u>transmitting by the computer system</u> ("ACH files are transmitted on behalf

of the merchant into the ACH network for distribution to the Receiving Depository

Financial Institutions ("RDFI")." Stewart 2002/0120846 A1 ¶ [0061])

a response from the database for each of the entered data elements, wherein the

response ~~corresponding to each entered data element~~ <u>is positive for a given data</u>

<u>element if the account-owner data stored in the data element field corresponding to the</u>

<u>entered account number matches the entered data element the response is negative for</u>

<u>a given data element if the account-owner data stored in the data element field</u>

<u>corresponding to the entered account number does not match the entered data</u>

<u>element, or the response supplies information indicating that information is unavailable</u>

<u>for a given data element if there is no account-owner data stored in the data element</u>

<u>field corresponding to the entered account number</u> ("The invention provides an identity

verification system for verifying the identity of a consumer involved in a debit

transaction. The identity verification system may include an identity verification module

including a fraud indicator search module and a consumer identity validation search

module. The identity verification module may be configured to receive a request to verify

the identity of a consumer involved in a debit transaction, receive at least one consumer

identification debit data element, generate an identity verification score, compare the

identity verification score against a threshold value, and generate a response message

to the request to verify the identity of a consumer involved in a debit transaction. The

response message provides a confirmation or invalidation of the identity of the

consumer." Stewart 2002/0120846 A1 ¶ [0041])<u>;</u> ~~respectively;~~ and

(e) generating a report of the response. (The consumer's bank 42 records the payment on the consumer's bank statement and sends the bank statement to the consumer." Stewart 2002/0120846 A1 ¶ [0041])

(a) providing a <u>computer system having</u> an account-<u>owner</u> verification database, the database including account-<u>owner</u> data corresponding to a plurality of data element fields and organized according to account number, the account-<u>owner</u> data being obtained from participant institutions and <u>associated with accounts maintained at participant institutions and</u> non-participant institutions, wherein:

the participant institutions are entities <u>that provide</u> ~~capable of providing accurate financial~~ account-<u>owner</u> data <u>to the database</u> on a regular basis; and

the non-participant institutions are entities not obligated to provide account-<u>owner data to the data base</u> ~~information on the regular basis;~~

(b) entering into the database, for an account to be verified:

(i) an account number; and

(ii) at least one data element corresponding to the entered account number; (c) querying <u>by the computer system</u> the account-~~owner~~ verification database ~~including~~ <u>which includes account-owner data</u> ~~from~~

Stewart 2002/0120846 A1 fails to explicitly teach <u>associated with accounts maintained at</u> both the participant institutions and the non-participant institutions Srinivasa US 2003/0115189 A1 teaches "Member and nonmember pages project to points outside and inside the sphere, respectively. While this method works and has the virtue of simplicity, it may not take into account the shape of the member probability distribution

in the event subspace. More accurate page classification can be obtained by tailoring the shape of the decision surface to the probability distribution of the member class. A number of statistical classification algorithms can be used to create such nonlinear decision surfaces. The algorithms can "learn" the surfaces from a training set which contains examples of both members and nonmembers of the category, e.g. event class." Srinivasa US 2003/0115189 A1 ¶ [0053]);

It would have been obvious to one of ordinary skill in the art at the time of the invention to include member and nonmember categories as taught by Srinivasa US 2003/0115189 A1 in the system of Stewart 2002/0120846 A1, for the purpose of completeness of analysis, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 17 (Currently amended) Stewart 2002/0120846 A1 in view of Srinivasa US 2003/0115189 A1 teaches a method of claim 13.

Stewart 2002/0120846 A1 further discloses entering a routing transit number corresponding to the entered account number. ("The raw MICR format includes the data gathered by physically scanning an image of a check. The raw MICR format represents the actual string of MICR characters with the special symbol characters being replaced by the letters T (routing and transit), O (on us), A (account), and D (dash). Entering in the raw MICR usually involves using a special MICR keypad on the browser. Imbedded

spaces in the raw MICR often make it difficult for the consumer to enter in the exact

MICR as it appears on their check." Stewart 2002/0120846 A1 ¶ [0068])

Conclusion

5.   The following is prior art made of record and not relied upon is considered

pertinent to applicant's disclosure:

Sandru (US 7,004,382 B2) teaches a payment validation network having network of

payment validation cells, each of which includes: one or more local qualifier systems for

assessing the risk of loss in accepting a check; a service finder for identifying the scope

of coverage provided by each of the local qualifier systems and for identifying the scope

of coverage provided by other cells; and one or more input/output (I/O) sources for

obtaining transaction data associated with a check at a point of presentment.

Shiman (US 20020019827 A1) teaches a centralized document repository system that

must obtain valid copies of documents from a central server rather than obtaining the

documents from another user. Since a valid document must be obtained from the

server, the server can control access to the document, in particular by assigning a name

to each copy of the document.

Ranzini (US 2002/0065784 A1) teaches systems and methods for the transfer of

persistently secure electronic representations of funds and/or descriptive data through

the use of digital rights management (DRM) containers transmitted as e-mail attachments. Further embodiments of the invention provide authentication services and customer support.

Mathews (US 2003/0050986 A1) teaches providing enhanced functionality for communication between members of a community and/or groups within the community. A member of a community may access a web page. The web page may be customizable for the member. The web page may assist the member in subscribing to groups associated with the community.

Crane (US 20040153514 A1) teaches providing an ally of a profile within a computer network and for organizing, building, and propagating the computer network by building a reference hierarchy through an ally association system or function. Through the ally association system or function, allies of a subject featured in a profile supported in the computer network can perform one or more association-related functions, such as vouching or witnessing for the subject, referring or introducing the subject to another, and other similar functions for one or more purposes.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald C. Vizvary whose telephone number is 571-270-3268. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abdi Kambiz can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4268.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gerald Vizvary
Patent Examiner, A.U. 3684
October 13, 2009

/Kambiz Abdi/
Supervisory Patent Examiner, Art Unit 3684